

ORIGINAL

Felipe Sanchez Montes
#13723-006
United States Penitentiary
Box 5500
Adelanto, California 92301

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MAR 10 2008
CLERK, U.S. DISTRICT COURT
ANCHORAGE, ALASKA

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA, Case No. A:99CR00036-014
Plaintiff,
vs
FELIPE SANCHEZ MONTES
Defendant.

Defendant's Motion and Questionnaire
For Reduction Of Sentence Pursuant To 18 U.S.C. §3582(c)(2)

"QUESTIONNAIRE"

1) The United States District Court, For The District of Alaska, entered the sentence defendant seeks to reduce, based on the retroactive "CRACK" sentencing guideline amendment.

2) Sentence was imposed on January 21st, 2000 by a judgment in a criminal case.

3) Defendant Montes is currently held in federal prison.

4) Projected release date is approx. 2023.

5) Defendant is not on supervised release.

6) I am not in prison because of a violation of supervised release.

7) Defendant was denied his statutory right to a direct appeal, caused by a violation of Federal Rule Criminal Procedure 32(c)(5) at sentencing by The Honorable H. Russel Holland.

8) Defendant Montes pled guilty to Count One, an alleged violation of Title 21 United States Code Section 846 "Conspiracy".

9) The offense of conviction alleged a violation of "Crack Cocaine" and "Cocaine".

10) The offense of conviction involved other controlled substances, such as powder cocaine.

11) In calculating the applicable sentencing guideline range, the court referred to elements of drug amounts not [identified] or specified in the criminal indictment.

"JUDICIAL NOTICE"

SEE: "ORDER" Document Number 668, dated 2/20/08 pages one and two The court "Sua Sponte" concluded that Montes was responsible for a total of 29.9 kilograms of cocaine However; the criminal indictment defendant Montes pled too fails to identify, specify the element of any actual amount of crack cocaine or cocaine.

12) Defendant's sentence is unconstitutional, as the plea agreement was for the exact element as charged and limned in the criminal indictment that does not specify any actual amount of either "Crack Cocaine" nor "Cocaine" [void for vagueness?] Wherefore; the maximum sentence would be approx. Sixty [60] Months not Three Hundred and Four Months [304].

13) Defendant Montes has participated in GED and Drug programs while in prison.

"IN CONCLUSION"

Will this court hereby inquire into these valid claims to reduce my federal sentence based on the foregoing verified claims?

Signed, dated and mailed

March 6th, 2008

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Felipe Montez", written over the printed name.

Felipe Sanchez Montez

13723-006

USP Victorville

Box 5500

Adelanto, California 92301

NAME Sanchez-Montes
REG # 13723-004
UNITED STATES PENITENTIARY
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